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Report of the Joint City
of Hamilton and Regional
Municipality of Hamilton-
Wentworth Roomers and
Boarders Task Force

MEMO

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TO: Roomers and Boarders Task Force Members

FROM: Rosemary Foulds

PHONE: 546-2185

DATE: 6 April, 1994

SUBJECT: Draft Report of the Task Force  
~~~~~

Enclosed for your review is a draft copy of the final report of the Task Force. I will be meeting with the study group chairs (Doug Rose, Bill Medeiros and Mike Ollier) in the individually during week of April 11 to review the draft. Your comments should be forwarded to Doug, Bill, Mike or me, by April 12 at the latest.

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GOVERNMENT DOCUMENTS

DRAFT

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REPORT
OF THE
JOINT CITY OF HAMILTON
AND
REGIONAL MUNICIPALITY
OF HAMILTON-WENTWORTH
ROOMERS AND BOARDERS TASK FORCE

May, 1994

Councillor Dominic Agostino
Chair
Dino Zuppa
Community Co-Chair

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GOVERNMENT DOCUMENTS

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Acknowledgements

Task Force Members

Sheila Stephen, Housing Help Centre

Clerk's Department: Mary Gallagher, Anne Marie Tollis, Aranka Toth

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1.0 Introduction

The issues of housing conditions in Lodging Houses is one which has come to the attention of Regional and City Councils before. At one time, Lodging homes were inspected annually in the City of Hamilton. In 1978, this practice ceased, when City Council directed staff to do inspections only in response to a complaint. Since that time, there have been few complaints about Lodging homes, but concern about the quality of the houses has come from a number of groups. In 1987, the Regional Advisory Committee on Food and Shelter formed an ad hoc working group which completed a preliminary investigation of Rooming Houses in Hamilton. In 1989 Suzanne Swanton completed the Hamilton City Core Community Development/Rooming House Needs Assessment. To follow up, a Roomers and Boarders Committee was formed to address the issues raised. The Roomers and Boarders Committee presented three concerns to the Region's Health and Social Services Committee in 1993:

1. annual inspection of Lodging houses,
2. security of tenure, and
3. education about rights and responsibilities of Tenants and Landlords.

At the same time, Regional Government has been increasingly concerned about affordable housing and Sustainable development in this community. Both were the subject of special Task Forces struck by the Regional Chairman. The Housing Task Force pointed to the need for made in Hamilton-Wentworth solutions to housing problems. It also identified people with special housing needs who were not well housed in the community. These included people with psychiatric and/or physical disabilities.

The Sustainable Development Task Force identified quality of life issues as part of its vision statement for the Regional Municipality. The health and well being of community members it to be addressed by a shift to health promotion and disease prevention by addressing factors in the physical and socio-economic environments and individual and community lifestyles that effect personal health and well-being.

In this context, a Task Force on Roomers and Boarders was deemed timely by the Councils of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth. The Task Force held its inaugural meeting in December 1993 and worked to produce this report by April of 1994.

The Task Force adopted the following Terms of Reference:

Goal

To ensure the safety, security and health of people living in Lodging houses.

Principles

1. Priority be devoted to tasks which are within the power of the Task Force to accomplish, (rather than those which rely on changes to provincial legislation).
2. Sub groups of the Task Force should meet to look at specific issues and prepare recommendations for the full Task Force to review. Sub groups should include some Task Force Members not familiar with the issues, so they can learn more about them. They may also raise questions which put a different light on the issue, thus helping in resolving issues.
3. Recommendations from the Task Force will have the support of all members.

This report describes:

1. The process the Task Force used to produce this document,
2. Background to the Task Force's conclusions, and
3. Recommendations to achieve the terms of reference.

The recommendations of the Task Force follow immediately.

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2.0 Recommendations

1. *The definitions in the zoning and licensing by-laws be changed to conform with provincial legislation. At a minimum, the Zoning and Licensing By-Laws should be consistent with each other.*
2. *That owners of unlicensed lodging houses be required to come into compliance, once the definition of a lodging house is changed.*

... etc.

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3.0 Process

Inaugural Meeting

The Task Force was structured to include municipal employees, community members and municipal politicians. At the first meeting, members were invited to present issues of concern. The Task Force struck a sub-committee to develop Terms of Reference and a work plan for discussion at the second meeting.

Second Meeting

The terms of reference and work plan were approved. There were four general areas of concern:

1. To examine the impact of the gaps in definitions and to recommend strategies to address these issues.
2. To recommend strategies to permit regular inspection of Lodging houses.
3. To recommend strategies to improve social supports to people living in Lodging houses.
4. To heighten the rights and advocacy potential of the existing system.

Members agreed to meet in study groups to between full Task Force Meetings to address issues two through four. The study groups were to clarify issues and develop recommendations. Tenants living in lodging houses were encouraged to participate in study group meetings.

Third Meeting

The Task Force examined the extent of the impact of gaps in definitions at its third meeting. It also began to review the recommendations of the study groups. The study groups agreed to meet again between full Task Force Meetings to refine their recommendations.

Fourth Meeting

The Task Force gave final approval to the recommendations. It also reviewed and commented on a draft of the final report. A Sub-Committee was struck to prepare the final draft between the fourth and fifth meetings. A second sub-committee took on the task of recommending a strategy for monitoring followup to the recommendations.

Fifth Meeting

The final draft was present to the Task Force. The report was approved for presentation to the Health and Social Services Committee of Hamilton-Wentworth Regional Council and the Finance and Administration Committee of Hamilton City Council.

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4.0 Findings and Recommendations

4.1 Gaps in Definition

One of the challenges which faced the Task Force was deciding which Definition of a Rooming House should be used in preparing its recommendations. To address this issue, the Task Force decided to examine the differences in definition. To illustrate the consequences of the difference in definition, it is useful to begin with a case example.

A Case Study in Definitions

The Licensing Department judges a house to be a rooming house if there are four or more people living in the house at the time of inspection. *If there are less than four people, the house is not subject to licensing.*

The Fire Department looks at how a house is being used at the time of inspection. If residents are sharing in the preparation of meals, for example, it would not be considered a rooming house, even if there are four tenants.

The Building Department judges a house to be a rooming house if it is properly zoned, and there are four or more rooms, along with a common kitchen and bath. *If a room has a hot plate, it is considered to have its own cooking facilities and therefore not a rooming house.*

The Health Department judges a house to be a rooming house using the following definition.

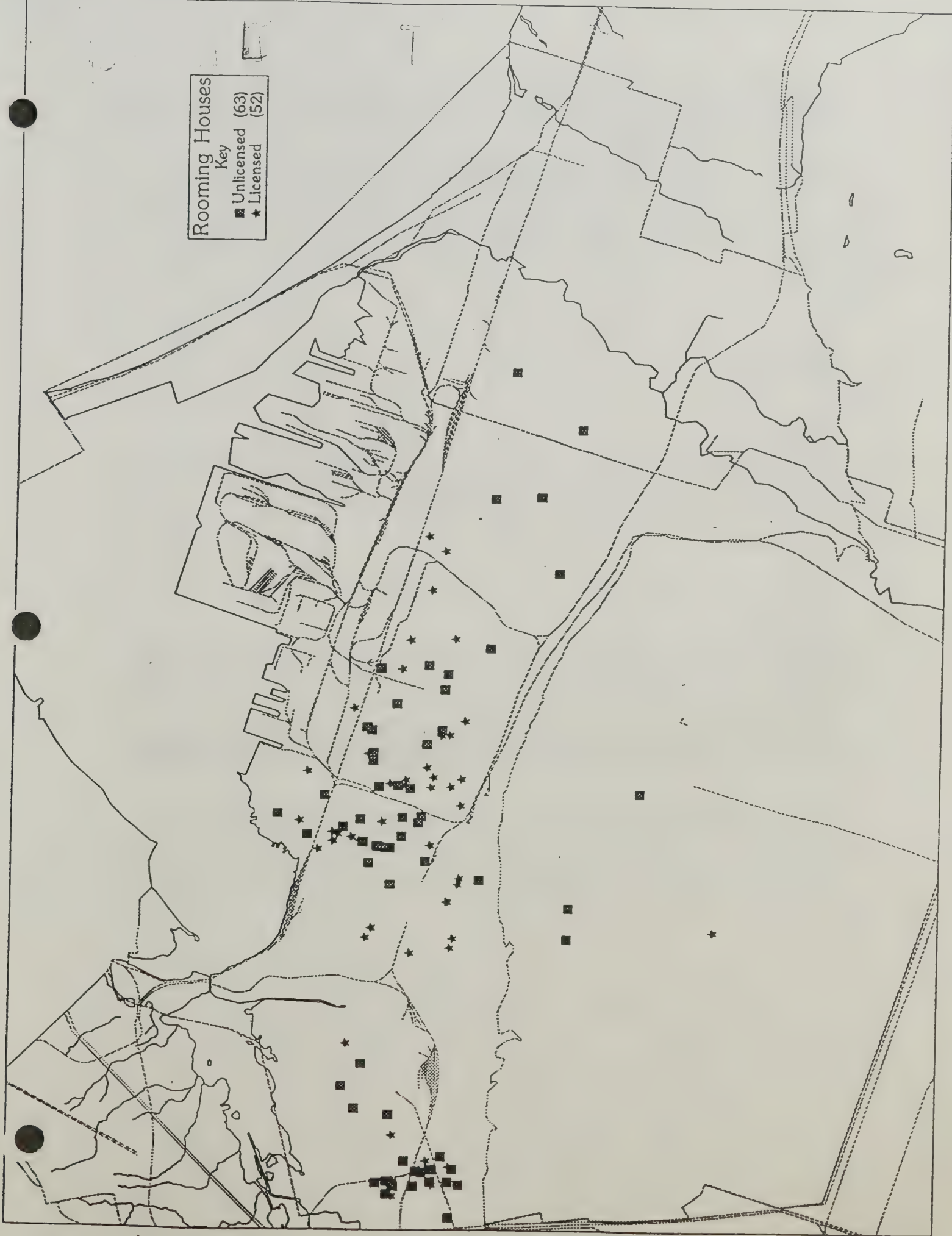
From these differences in definition, it could be quite common to have the impression the standards were begin enforced unevenly, particularly for tenants. To get an idea of the extent of the differences in definition, information about licensed and unlicensed lodging houses was examined.

The City of Hamilton licences just over 50 lodging houses. The Fire Department inspects over 100. The Housing Help Centre has developed a data base, drawing information from the City, the Fire Department and its own records. The information presented here is drawn on the data base.

The Map on the following page shows the distribution of licensed and unlicensed lodging houses. There are parts of the city where Lodging houses are quite concentrated, particularly along Barton Street and James Street, and around McMaster University. Along James and Barton, the number of licensed and unlicensed facilities is roughly equal. The majority of the houses around the University are not licensed.

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Rooming Houses
Key
■ Unlicensed (63)
★ Licensed (52)



The table below illustrates the difference between unlicensed and licensed lodging houses. On average licensed lodging houses are larger and have lower rent than unlicensed lodging houses:

Table 1: Comparison of Licensed and Unlicensed Rooming House Data

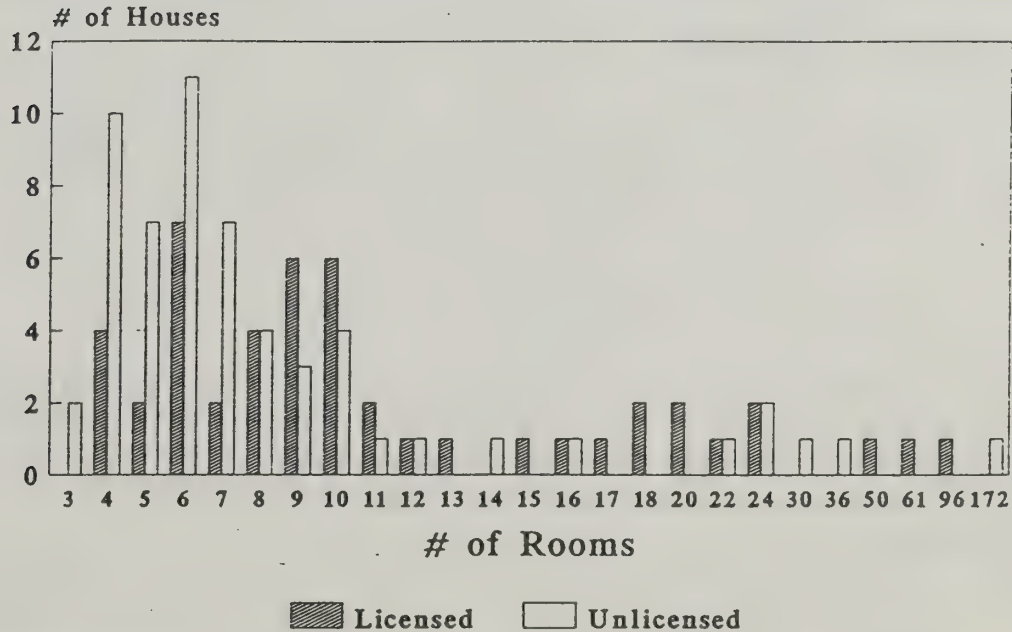
	Licensed	Unlicensed	Total
Houses	52	63	115
Rooms			
# recorded	49	59	108
Total	690	670	1,360
Average/House	14	11	25
Rents			
# recorded	20	21	41
Average (\$/month)	\$270	\$275	\$273
Building Type			
# Recorded	44	49	93
House/Semi	25	33	58
Tavern	13	8	21
Low Rise	1	0	1
High Rise	0	1	1
Storefront	5	5	10
Building	0	1	1
Residence	0	1	1

Unlicensed lodging houses are also most frequently located in houses (2/3 of those recorded). Licensed facilities are also most commonly located in houses, but 30% are part of a tavern.

The graph following illustrates the number of licensed and unlicensed lodging houses by size. Unlicensed lodging houses are either smaller or larger than licensed facilities. This data does not suggest significant qualitative differences between licensed and unlicensed lodging houses.

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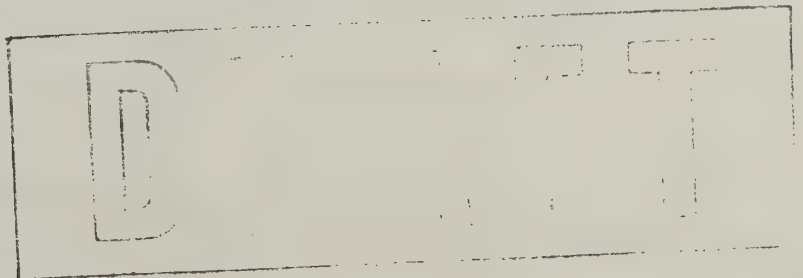
Rooming Houses (by number of rooms)



Finally, some inspections were undertaken. Personnel from the Licensing Department inspected a six of the unlicensed facilities, with the following results:

- 2 were found to be subject to licensing and have applied since the inspection
- 3 were not subject to licensing because there were less than four tenants resident
- 1 was not inspected because it was not possible to gain entry

The Fire Department inspected addresses, with the following results:



There are extensive differences in the number of lodging houses, based on varying definition. An ideal solution would be to have a uniform definition of a rooming house to apply to all situations. This would require a change in provincial legislation, and something the Task Force could have recommended. However, there are also local actions which can be taken to reduce the differences in definition. Bearing its mandate to focus on local, achievable actions, the Task Force recommends the following:

1. *The definitions in the zoning and licensing by-laws be changed to conform with provincial legislation. At a minimum, the Zoning and Licensing By-Laws should be consistent with each other.*
2. *That owners of unlicensed lodging houses be required to come into compliance, once the definition of a lodging house is changed.*

The Task Force also learned about overlaps in by-laws which permit duplication of services. This situation has arisen mainly because of changes to the by-laws and new provincial legislation which have been introduced over time. While this might be seen as housekeeping issues, any review of by-laws should eliminate overlaps and duplication:

3. *That By-Law 93-069, Schedule 28 be reviewed and eliminate duplication with other local by-laws.*
4. *That By-Law 93-069, section 2(j) be revised to remove references to sex and age.*
5. *That By-Law 4798 be repealed and the re-written Health By-Law be implemented.*

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4.2 Inspections

As has already been noted, inspections by the Health, Building and Licensing Departments are done only in response to a request or complaint. The Fire Department does annual inspections. *There are few requests for inspections of Lodging houses.*

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Each Department has a procedure to follow to ensure standards are enforced, which includes court action and fines. Further, inspectors advise their counterparts in other Departments when there is a problem which is outside their jurisdiction. In the Task Force's opinion, this system of controls and networking is adequate to keep on top of the Rooming House situation, *provided the complaints mechanism is used or there are annual inspections.*

There are several reasons tenants in Lodging houses do not complain. First, tenants generally are reluctant to complain because they are concerned about their security of tenure. This is particularly true of people who live in Lodging houses. Second, tenants told the Task Force the people who live in Lodging houses often do not have a high opinion of themselves, and feel they may not have the right to complain. Third, complaints are most common when there is a Tenants' Association in a building. This allows a degree of anonymity which is often not possible for tenants in Lodging houses.

Because of this situation, the Task Force concluded that complaints-based inspections are not adequate to maintain standards in Lodging houses, not are they adequate to ensure the safety, security and health of people living in Lodging houses.

It would seem that the insurance industry has reached the same conclusion. Task force members looked into the issue of insurance for Lodging houses. One factor used in setting the insurance rates is the regulatory climate in which the rooming houses operate. The re-introduction of annual inspections would help landlords in negotiating their insurance policies.

For these reasons, the Task Force recommends the re-institution of annual inspection of lodging houses by the Licensing, Health and Building Departments:

6. *The Licensing of Lodging houses, by the Licensing Department, be maintained.*
7. *That resources be allocated or increased to permit annual inspections by the Licensing and Health Departments. These inspections should be tied spread evenly throughout the year.*

The Task Force looked at the cost of inspections, to compare with the licence fee (\$150/year), and to understand the impact on Departmental budgets. The inspections by the Licensing Department are in the neighbourhood of \$75 per house.

The Building Department's cost depends on the method used to complete the inspection. One method is to require a Certificate of Compliance for each lodging house. The basic cost of this certificate is \$220, plus \$20 per resident. To apply this charge, By-Law 93-069, Schedule 8, would need to be revised to require a Certificate of Compliance. If the By-Law is not revised, an annual inspection are estimated at \$210 for each house. The second method does not include the costs of enforcement, so the \$210 should be viewed as a minimum fee.

The Health Department's cost

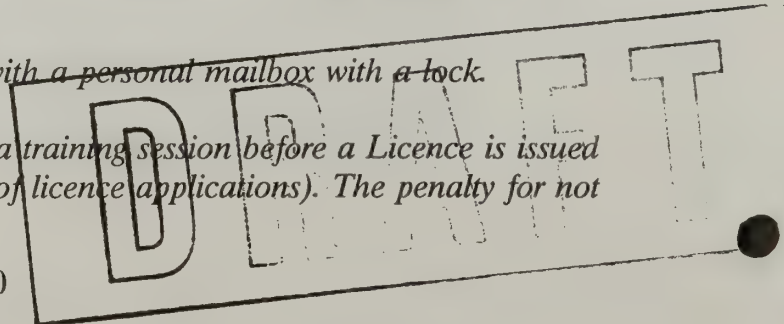
Because of this situation, The Task Force recommends the following:

8. *That By-Law 93-069, Schedule 8 be revised to require the Building Department to issues a Certificate of Compliance for each lodging house. Failing this revision, recommendation 7 should apply to the Building Department as well.*
9. *That an increase in the licence fee (fully/partially) offset the cost of annual inspections.*

Coupled with the recommendation to change the definition of a rooming house, the Task Force believes these recommendations will bring a consistent practice of standards inspection.

The Task Force looked for opportunities to educate landlords and tenants to help to achieve the goal of tenant safety and security. Some of these can be addressed through the inspections and licensing process. The Task Force recommends the following additions to By-Law 93-069:

10. *That a list of emergency numbers (fire, health, building inspections) be posted by the owner or operator of the lodging or rooming house with the licence.*
11. *That each tenant be provided with a personal mailbox with a lock.*
12. *That all operators must attend a training session before a Licence is issued (new applications and transfer of licence applications). The penalty for not*

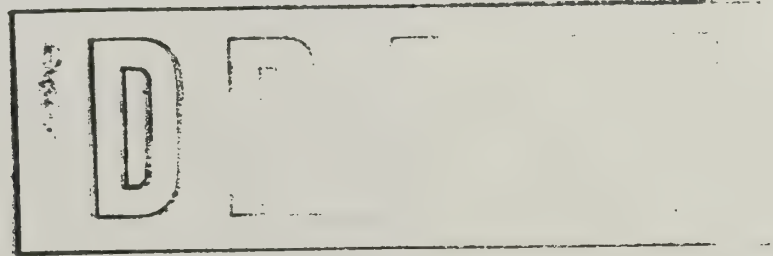


attending would be failure to renew the licence. As part of this training session, an information package be provided to Landlords by the Licensing Department.

- 13. The Licensing Department should co-ordinate the first session with the Health Department, Social Services Department and the Fire Department. Subsequent sessions are to be carried out by the latter three.*

The Task Force also recommends:

- 14. That the revised Lodging House By-Law (93-069) to ensure all proper information is posted for the Tenants' use by sending a letter to all Licensed Lodging homes and doing followup inspections.*



4.3 Social Supports

The Task Force recognizes the health and well-being of Tenants in Lodging houses depends on a number of factors. Housing quality and safety are important. Social networks and basic life skills are equally important. As has been discussed earlier in this report, tenants who live in Rooming Houses are reluctant to seek assistance. Tenants and services providers on the Task Force identified two obstacles.

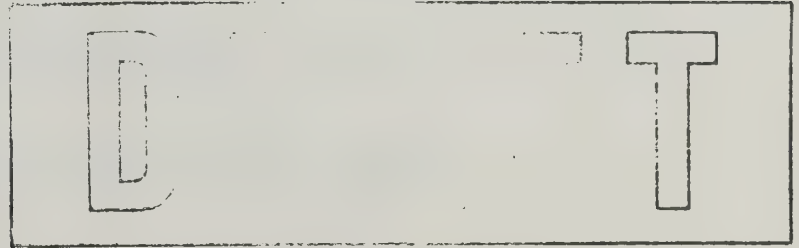
First, most agencies have waiting lists. This is a barrier for everyone who seeks service (clearly waiting lists are not the first choice of service providers either). Some tenants who move into Lodging houses have been discharged from the Hamilton Psychiatric Hospital or a Correctional Facility. They may urgently need services, in order to be able to stay in the community. This points to a need for rethink how services might be provided to this group. Once established, they often have difficulty adjusting to their new surroundings. To address these issues, the Task Force recommends the following:

15. *The Housing Help Centre explore a rating system for posted listings of Lodging houses.*
16. *Staff from the following agencies: the Departments of Social Services (Home Management) and Public Health Services (Nursing), Home Care, Family Services, Catholic Family Services (Budgeting), St. Matthew's House, Wesley Urban Ministries, the Ministry of Community and Social Services, meet to look at how their procedures may create barriers to services for people who live in lodging houses.*
17. *That the Department of Public Health Services and Social Services, St. Matthew's House, the Housing Help Centre, the Canadian Mental Health Association and other mental health agencies meet with staff from area Correctional Facilities and the Hamilton Psychiatric Hospital to discuss discharge planning, particularly the three month followup period.*

Second, tenants in rooming houses typically learn about services through the people they meet in their daily activities. It is usually after building a relationship with people that they begin to discuss their needs. Front line contacts are therefore very important in providing services to people who live in rooming houses. The Task Force recommends the following:

18. *The Department of Social Services and Health Services co-ordinate an in service meeting of front line health and social services workers and inspections staff. Front line MCSS workers should be involved as well. The purpose of the meeting should be to*

1. *share information about the role each plays in the safety, security and health of people living in Lodging houses.*
2. *develop and implement strategies for collaboration between workers.*



4.4 Rights and Advocacy

Tenants and Landlords of Lodging houses enjoy the privileges and responsibilities of the Landlord Tenant Act. Legal rents may also be established through the Rent Registry. Strategies to educate rooming house tenants and landlords need to be targeted to increase the chances of being effective. The following is recommended:

19. *That the Continuing Legal Education pamphlet on rights of Roomers and Boarders together with an insert listing contacts for service.*
20. *That this information be made available in places where rooming house tenants meet, and to people who work with rooming house tenants.*
21. *That an information forum take place for service providers who are likely to be working with tenants in rooming houses.*
22. *The information to be communicated to landlords include an advisory that lodging houses are subject to the Landlord and Tenant Act, the Rent Control Act, the Rental Housing Protection Act, the Municipal Lodging Home Bylaw and may possibly be effected by Bill 120.*
23. *That a synopsis of the legislation be prepared for distribution to licensed landlords at Landlord training and/or at time of licensing or renewal of licence.*
24. *That the Federal Residential Rehabilitation Assistance Program be investigated as a source of funding to landlords who need to bring their rooming houses up to standard.*

The Task Force also looked at the issue of having the Social Services Department pay rent directly to Landlords. This is a voluntary arrangement which is available to people who receive General Welfare Assistance. In the view of the Task Force, direct payment of rent is not in the interests of the health and well being of tenants for a number of reasons:

1. tenants will lose their ability to press for improved living conditions.
2. having an agent pay rent for you does not support independent living in the community,
3. this would only affects Tenants who receive General Welfare Assistance and seems like discrimination based on source of income.

5.0 Summary

This Roomers and Boarder Task Force was created in 1993, in response to a request from the Roomers and Boarders Committee. The Roomers and Boarders Committee presented several issues of concern, and asked they be dealt with by a Task Force. The Task Force held its inaugural meeting in December 1993 and worked to produce this report in early 1994.

The Task Force adopted the following Terms of Reference:

Goal

To ensure the safety, security and health of people living in Lodging houses.

Principles

1. Priority be devoted to tasks which are within the power of the Task Force to accomplish, (rather than those which rely on changes to provincial legislation).
2. Sub groups of the Task Force should meet to look at specific issues and prepare recommendations for the full Task Force to review. Sub groups should include some Task Force Members not familiar with the issues, so they can learn more about them. They may also raise questions which put a different light on the issue, thus helping in resolving issues.
3. Recommendations from the Task Force will have the support of all members.

Definitions

One of the challenges which faced the Task Force was deciding which Definition of a Rooming House should be used in preparing its recommendations. The City of Hamilton licences just over 50 lodging houses. The Fire Department inspects over 100. On average licensed lodging houses are larger and have lower rent than unlicensed lodging houses. Over half of the lodging houses inspected by the Fire Department do not fit the definition of a rooming house used by the City Building or Licensing Department. Because of these differences in definition, it could be quite common for tenants to have the impression the standards were being enforced unevenly. The Task Force used a broad definition of rooming house in its discussions.

Inspections and Standards

At one time, Lodging houses were inspected annually by the Fire, Licensing, Building and Health Departments. This changed in 1978, when inspections by Health, Building and Licensing were done only in response to a request or complaint. The Fire Department continued and continues to do annual inspections. Since this change, the Inspectors have received very few requests for inspections from Tenants living in Lodging houses. Because of this situation The Task Force supports the annual inspection of Lodging houses. There are several recommendations in this report which address the need for annual inspections.

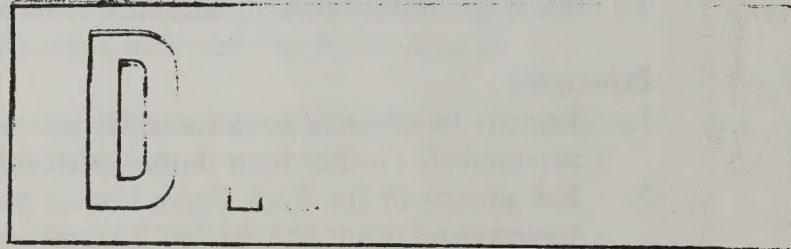
Social Supports

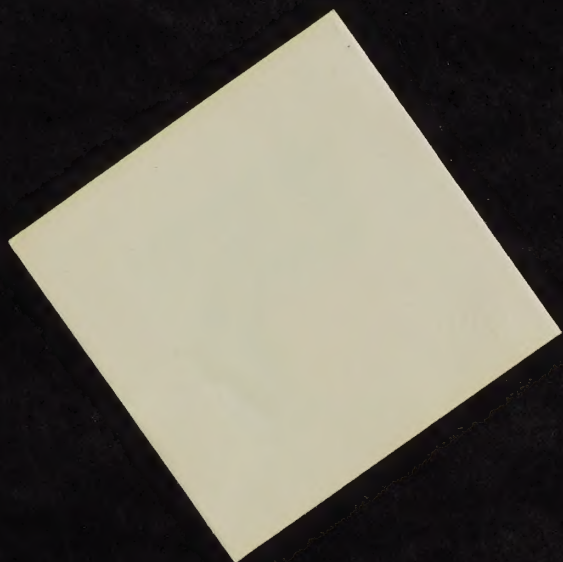
The Task Force recognizes the health and well-being of Tenants in Lodging houses depends on a number of factors. Housing quality and safety are important. Social networks and basic life skills are equally important.

Rights and Advocacy

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